

Not for Publication

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TRUSTEES OF INTERNATIONAL UNION
OF PAINTERS AND ALLIED TRADES
DISTRICT COUNCIL 711 HEALTH &
WELFARE FUND, *et al.*,

Plaintiffs,

v.

VALHALLA CONSTRUCTION, LLC,

Defendant.

Civil Action No. 18-16538

AMENDED ORDER

John Michael Vazquez, U.S.D.J.

On July 9, 2019, the Court granted in part and denied in part Plaintiffs' motion for default judgment pursuant to Fed. R. Civ. P. 55(b) and allowed Plaintiffs an opportunity to cure the noted defects. D.E. 9, 10. Specifically, the Court indicated that

if they so choose, Plaintiffs shall submit for the Court's approval, within fourteen (14) days of the date of entry of this Order, an appropriate Affidavit(s), along with any necessary supporting documentation, addressing the amount of Defendant's unpaid contributions from November 2017, the amount of recoverable interest based on the amount of actual damage recovered, and liquidated damages/penalty.

D.E. 10 at 1. Now, it

APPEARING that Plaintiffs submitted a copy of Defendant Valhalla Construction LLC's November 2017 remittance report, which indicates that Defendant was delinquent in contributions in the amount of \$2,642.84 for November 2017, D.E. 11, Ex. A; and it further

APPEARING that Plaintiffs have therefore sufficiently established that Defendant is delinquent in contributions for the total amount of \$19,657.77 for the time period of July 2017 through November 2017; and it further

APPEARING that Plaintiffs appropriately calculated interest on this total delinquent amount to be \$1,507.19, and submitted interest calculations based on the interest rate provided in Section B of the Policy for Collection of Delinquent Contributions (the “Policy”), D.E. 11, Ex. C § B ¶ 4; D.E. 11, Ex. B; and it further

APPEARING that under Section B of the Policy, Plaintiffs are entitled to pre-litigation liquidated damages in the amount of \$20.00 per fund, D.E. 11, Ex. C § B ¶ 3, or in this case, \$180.00, D.E. 11 ¶ 9; and it further

APPEARING that under Section C of the Policy, Plaintiffs are additionally entitled to liquidated damages in the amount of 20% of the delinquent contributions when litigation was initiated, D.E. 11, Ex. C § C ¶ 2, or in this case, \$3,931.55, D.E. 11 ¶ 12; and it further


APPEARING that with these amended calculations, Plaintiffs have sufficiently established damages of \$27,849.43, inclusive of delinquent contributions, interest, liquidated damages, and attorney’s fees, D.E. 11 ¶ 14; and

For these reasons and the reasons set forth in the prior Opinion and Order, D.E. 9, 10, and for good cause shown,

IT IS on this 15th day of August, 2019,

ORDERED that Plaintiff’s motion for default judgment pursuant to Fed. R. Civ. P. 55(b), D.E. 7, is **GRANTED**; and it is further

ORDERED that default judgment is entered in favor of Plaintiffs and against Defendant in the amount of \$27,849.43.


John Michael Vazquez, U.S.D.J.